IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14821 of 2005

Dated: 16th June, 2006

Between:

R.Sarala

.. Petitioner

and

The Mandal Revenue Officer,
Jammikunta mandal, Karimnagar district & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14821 of 2005

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the second respondent in canceling the authorization of the petitioner through his orders in Proc.No.K/2206/2002 dated 25.4.2002, as confirmed by the third respondent in Rc.No.G4/159/2005 dated 19.5.2005, as arbitrary, illegal and violative of provisions of A.P. Public Distribution System Control Order, 2001.

It is the case of the petitioner that she was appointed as a Fair Price Shop Dealer of Shop No1212, Kothapalli, Hamlet of Dharmaram village, Jammikunta mandal, Karimnagar district in the year 1994 and she has been running the shop without any complaints whatsoever either from the authorities or from the card holders in general. On 26.3.2002, she received 200 quintals of rice meant for 'Food For Work' programme and distributed the same to the labourers concerned as per the coupons produced by them and obtained their signatures in the relevant register. However, the labourers had taken away 97 quintals of rice with them on the double bullock carts and rest of the stocks was kept elsewhere. On a false complaint made by the disgruntled elements, the stocks, which were kept elsewhere by the labourers, were seized by the authorities. A show cause notice was issued to the petitioner on 15.4.2002 calling upon her to explain as to why her authorization should not be cancelled since the rice meant for 'food for work' programme were stored in an unauthroised premises with an intention to divert the same to black-market. The petitioner submitted a detailed explanation on 24.4.2002 stating that she received (200) quintals of rice meant for 'food for work' programme and distributed the entire rice to the labourers concerned on their producing coupons and she also obtained their signatures in the sales register and thereafter they took away the entire rice individually. She did not know where the rice was kept and she cannot be held responsible for the same. On the day of inspection, the Inspecting Officers took her husband near to Gram Panchayat, Jammikunta and taken his statement forcibly. She did not collude with any body to divert the rice of 'food for work' to black market. She has been running the fair price shop since (10) years without any complaint. She is no way concerned with the rice seized from H.No.2-3-67 situated at Gram Panchayat, Jammikunta locality and she never diverted any commodities from her shop and

she is innocent.

However, the second respondent-Revenue Divisional Officer having not satisfied with the said explanation of the petitioner, passed the impugned order dated 25.4.2002 canceling the authorization of the petitioner. Aggrieved by the same, petitioner filed an appeal before the third respondent-Joint Collector, who also confirmed the said order by order dated 3.12.2004. Questioning the same, petitioner filed revision before the District Collector, Karimnagar. The District Collector by his order dated 28.1.2005 while setting aside the order of the third respondent-Joint Collector, remanded the matter back for fresh consideration. The third respondent instead of considering the matter afresh and passing a detailed order after remand, passed a cryptic order dated 19.5.2005 dismissing the appeal. Aggrieved by the same, the present writ petition is filed.

Heard both sides and perused the original order passed by the second respondent-Revenue Divisional Officer dated 25.4.2002 as well as the order passed by the third respondent-Joint Collector dated 3.12.2004 and the impugned order dated 19.5.2005.

The very case of the petitioner is that she had distributed the entire 200 quintals rice meant for 'food for work' programme to the labourers concerned on the basis of coupons produced by them after obtaining their signatures in the sales register. Neither the second respondent nor the third respondent have made any mention as to whether the coupons were verified and whether the sale register contains the signatures of the labourers as stated by the petitioner.

Having regard to the facts and circumstances of the case, I am of the opinion that the cancellation order passed by the second respondent dated 25.4.2002 as confirmed by the third respondent-Joint Collector dated 19.5.2005 are liable to be set aside and accordingly set aside and the matter is remanded back to the second respondent-

Revenue Divisional Officer. The second respondent shall conduct a fresh enquiry into the matter and permit the petitioner to lead evidence, both oral and documentary, and dispose of the matter within a period of three months from the date of receipt of a copy of this order. During pendency of this exercise, Status quo in respect of Fair Price Shop in question shall be maintained.

The writ petition is allowed to the extent indicated above.

_

_____

C.V.RAMULU,
J

Date: 16.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

16.6.2006